



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-035

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. HFS 62.04 (3) (g), the word “prohibit” should be deleted in order to maintain consistent structure with the other paragraphs of sub. (3). Similarly, in sub. (5), pars. (a) to (c) should begin with the words “participation,” “consultation,” and “information or assistance and consultation,” respectively.

b. In s. HFS 62.07 (6) (c) 2. b., proper names of self-help organizations should be capitalized.

c. In s. HFS 62.12 (1) (a), the word “shall” should be replaced by the word “does.”

d. In s. HFS 75.16 (3) (b), the word “through” should be replaced by the word “to.” In sub. (4), the last paragraph should be numbered “(m).”

e. In s. HFS 75.16 (7) (a) (intro.), the phrase “all of” should be inserted before the phrase “the following services.”

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section HFS 62.03 (10) references “violating s. 343.305 (9).” Because this statute relates to notice and a court hearing on a refusal, this cross-reference may not be correct.

b. In s. HFS 62.03 (24), the notation “s.” should be replaced by the notation “ss.”

c. In s. HFS 62.05 (1) (a) 2., a specific cross-reference to HIPAA should be inserted.

d. The rule makes numerous references to forms. The department should ensure that the requirements of s. 227.14 (3), Stats., are met. For example, see s. HFS 62.07 (1) (c).

e. In s. HFS 75.02 (34), the notation “sub.” should be replaced by the notation “s.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. On page 5 of the rule preface, in the last paragraph, the word “adhered” should be replaced by the word “met.”

b. In s. HFS 62.03 (24), change “that is conducted under clinical supervision” to “that are conducted....”

c. In s. HFS 62.04 (1) (f), the word “to” should be inserted before the word “assessment.”

d. In s. HFS 62.04 (5) (c) 3., change “the court’s order is to refer” to “the court’s order should refer.”

e. In s. HFS 62.05 (1) (a), begin the paragraph with “Implement,” for syntax that is consistent with pars. (b) and (c).

f. In the last sentence of s. HFS 62.07 (1) (b), a comma should be inserted after the word “by.”

g. In s. HFS 62.07 (5) (a) 1. (intro.), the word “a” should be inserted before the phrase “controlled substance analog.” In par. (a) 1. c., is it the intent to provide that prior to implementing an alternative education program, a local traffic safety school coordinator and a designated coordinator must approve the program? If so, the rule should so state rather than leaving the impression that the school coordinator and the designated coordinator must in all circumstances approve the alternative education program. [See also sub. (5) (d) 4.]

h. In s. HFS 62.07 (5) (b) 1., insert the word “outpatient” before the term “substance abuse treatment.”

i. In s. HFS 62.07 (6) (b), are non-resident drivers eligible for extensions, pursuant to s. HFS 62.07 (7) (c)? If so, this should be clarified. Also, this provision clearly should state when the one year compliance period begins.

j. In s. HFS 62.08 (3) (f), it appears that the word “or” should be inserted prior to the second occurrence of the word “within.”

k. In s. HFS 62.09 (3), the introduction should begin with the phrase “except for participation in self-help groups,” Paragraph (g) then can be deleted; it does not follow grammatically from the introduction. Also, note the various spellings of “non-compliance” in the introduction and “noncompliance” in sub. (6).

l. Section HFS 62.12 (1) (a) 3. should read: “The board would be forced” instead of “The board is not forced.”

m. In s. HFS 62.15 (1) (a), in the second sentence it appears that the word “or” should precede the phrase “the designated coordinator” and that a comma should be inserted after this phrase. In par. (b), the comma in the second sentence should be deleted.

n. In s. HFS 75.16 (1), add a semicolon after the term “alternative education.”

o. In s. HFS 75.16 (3) (c), the term “qualified staff” is used. How is it determined that a staff person is qualified? More guidance is necessary here.

p. Section HFS 75.16 (4) (b) and (c) uses both the terms “alcohol or other drug abuse” and “alcohol and other drug use or abuse.” One of these terms should be selected, for consistency.

q. Section HFS 75.16 (5) (a) 2. requires involvement of “concerned others.” This term is very broad. Is there any way to be more specific regarding which types of persons must be involved in the programs?

r. In s. HFS 75.16 (5) (a) 7., delete “pre-post tests” and insert “pretests and posttests.”

s. In s. HFS 75.16 (5) (b) 4., is it possible to more clearly define a “satisfactory driving record”? Also, in subd. 4. a., a cross-reference to the appropriate statutory language would clarify the phrase “operating while intoxicated conviction.”

t. The continuing education requirement in s. HFS 75.16 (5) b. 5. is vague. This requirement should be classified unless it is the department’s position that an extremely wide range of courses will be able to satisfy the continuing education requirement.

u. In s. HFS 75.16 (5) (d), it appears that the word “under” should be inserted before the phrase “this subsection.”